

**In the
Indiana Supreme Court**



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR LAWRENCE COUNTY)

Case No. 47S00-1308-MS- 544

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Lawrence Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Lawrence Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR47-TR79-113 and DR20-CR-000 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Lawrence County Local Rule, LR47-TR79-113 and DR20-CR-000, set forth as an attachment to this Order, are approved effective August 15, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Andrea K. McCord, Lawrence Circuit Court, Courthouse, Bedford, IN 47421-3852; to the Hon. Michael A. Robbins, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 300, Bedford, IN 47421; to the Hon. William G. Sleva, Lawrence Superior Court, Courthouse Plaza, Lower Level, 918 Sixteenth Street, Suite 400, Bedford, IN 47421-3334; to the Clerk of the Lawrence Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Lawrence Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on August 19, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR47-TR79-113 SPECIAL JUDGE SELECTION (INCLUDING SMALL CLAIMS)

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

(Amended effective August 15, 2013)

DR 20-TR79-000___ APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

A. Eligibility for Special Judge Service:

1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment of a Special Judge: In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.

C. Acceptance of Appointment:

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

- D. **Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. **Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. **Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Adopted effective August 15, 2013)

LR47-AR00-002 ASSIGNMENT OF CASES

- A. **Generally.** This Local Rule on assignment of cases supersedes prior rules and will be effective on February 1st, 2013.
- B. **Criminal Case Assignment.**
 - 1. All felonies, including those classified as Murder, Class A, Class B, and Class C, as well as those Class D felonies which do not charge an alcohol or controlled substance offense, shall be filed in equal proportion, on a blind filing basis, in the two Superior Courts through the Office of the Lawrence County Clerk, with Superior Court Division I assigned 2/3 of those cases and Superior Court Division II assigned 1/3 of those cases. All Class D felonies and misdemeanors charging an alcohol or controlled substance offense, and all infraction and ordinance violations, shall be filed in the Lawrence Superior Court, Division II. All other non-traffic related misdemeanors shall be filed in the Lawrence Superior Court, Division I. All initial filing determinations shall be on the basis of the most serious offense charged.
 - 2. Charges involving co-defendants will, if possible, be filed in the same Court. The Courts will transfer such cases if such co-defendants are inadvertently separated at the time of the original filing.
- C. **Transfer of Criminal Cases.** The Judges of the Lawrence Superior Courts, by appropriate order, may transfer and reassign to the other Courts any pending case, subject to acceptance by the receiving Court.

- D. Re-Filing and Subsequent Filing of Criminal Cases.** Upon dismissal of a case by the State of Indiana and a subsequent re-filing of the case based on the same occurrence, such newly filed case shall be re-filed in the Court from which the dismissal was taken. Further, in the event additional criminal charges are filed against a felony defendant at any time prior to sentencing, the additional charges shall be filed in the Court in which the other charges are already pending.
- E. Change of Judge in Criminal Case.** In the event the regular Judge of the Court recuses himself/herself, the case shall be assigned as follows: from the Judge of the Superior Court, Division I, to the Judge of the Superior Court, Division II; from the Judge of the Superior Court, Division II, to the Judge of the Superior Court, Division I. When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.
- F. Civil and Other Case Assignment.** All small claims shall be filed in the Lawrence Superior Court, Division II. All civil proceedings which are assigned a CP, PL, CT, RS, MF, CC or MI cause number shall be filed in the Lawrence Circuit Court through the Clerk of Lawrence County. Additionally, all proceedings regarding dissolution of marriage shall be filed in the Lawrence Circuit Court and the Lawrence Superior Court, Division I, on a rotating basis, through the Clerk of Lawrence County. All mental health proceedings shall be filed in the Lawrence Superior Court, Division I. All protective order requests shall be filed in the Lawrence Circuit Court, subject to statutory exception and any exception specified by these rules. Additionally, if a dissolution action has been filed in the Lawrence Circuit or Superior Court, Division I, a subsequently filed protective order, with the same parties, shall be filed in that Court. Any Protective Order in which there is a companion criminal case shall be filed in the court that has jurisdiction over the criminal cause. All probate juvenile, guardianship, trust, adoption, or Title IV-D support collection matters, excepting those where the original dissolution was in Superior Court, Division I, shall be filed in the Lawrence Circuit Court.
- G. Modification.** The Courts of Lawrence County may, from time to time, modify the above rules regarding local assignment of cases to meet the needs of the Courts in circumstances deemed necessary by agreement of the Judges of the Courts of Lawrence County. Some instances that may necessitate temporary modification of this assignment of cases rule are as follows: temporary extended absence or disability of a Judge; a case of size or complexity to overburden a particular Court; temporary case load disparities.

(Amended effective February 1, 2013; further amended effective August 15, 2013)

DR 20-CR13-000__ APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

A. Eligibility for Special Judge Service.

1. **Available to Serve.** Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment within the Administrative District. In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.

C. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.

1. **Priority Given to Local County Appointments.** Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.

D. Acceptance of Appointment.

1. **Acceptance Mandatory.** Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

E. Supreme Court Certification. In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

F. Discontinuation of Special Judge Service. The provisions of C.R. 13(F) if a Special Judge ceases to serve following assumption of jurisdiction.

G. Method for Assignment and Related Records. The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Adopted effective August 15, 2013)